HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 293 of 2002 (Ss)
(Old No. 19446/1998)

Mahipal Singh Sani s/o Sri Chauhal Singh Sani r/o Haridwar Depot, U.P. State Road Trnasport Corporation, Haridwar ..... Petitioner

Versus

1. The Regional Manager, U.P. State Road Transport Corp. Dehradun.
2. The Assistant Regional Manager Haridwar
3. The Managing Director, U.P. State Road Transport Corporation, Tehri Kothi, Lucknow ,.....Respondents

Sri P.C. Jhingan, Advocate for the petitioner.
Standing Counsel for the respondents.

Dated : 27.03.2006

Hon'ble Rajesh Tandon, J.

Heard Sri P.c. Jingan counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to grant selection grade to the petitioner from 8.2.19990.

Briefly stated according to the petitioner he was a permanent employee of U.P. State road Transport Corporation and has been working on the post of conductor. He was removed from service vide order dated 20.6.1981. Against the order of termination, petitioner raised an industrial dispute and the matter was adjudicated by the Labour Court, Dehradun. The labour Court gave award on 29.8.1989 and directed the respondents to reinstate the petitioner with full back wages. The

respondents were also directed to proceed with disciplinary proceedings after issuing show cause notice to the petitioner and after affording him reasonable opportunity to defend himself.

According to the petitioner, a show cause notice was issued to the petitioner on 5.7.1996 but no copy of enquiry report was sent along with show cause notice. The petitioner filed a writ petition No. 29629 of 1996 in which the following order was passed on 13.9.1996:

"It is expected that the disciplinary authority would pass necessary order on the said application of the petitioner before proceeding further in the matter."

The petitioner has submitted that on 25.9.1996, the respondent no. 1 has only given him four documents viz copy of chargesheet, reply to the chargesheet, copy of the way bill and copy of the order of removal from service.

According to the petitioner he had completed 10 years active service on the substantive post of Conductor and he became entitled to selection grade on completing of 10 years service on the selection post. The respondent no. 1 and 2 has not redressed the grievance of the petitioner towards granting him selection grade after 10 years service nor has given any reply to the representation of the petitioner.

In view of above, liberty is given to the petitioner to prefer a fresh representation to the appropriate authority, within one month after the receipt of the certified copy of this order, who shall decide the same by a reasoned order within six weeks.

Accordingly, writ petition is disposed of. No order as to costs.

Rajesh Tandon, J.

Dated:27.3.2006